
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

LI ZU,

Plaintiff,

v.

AVALON HEALTH CARE, INC., a
corporation d/b/a AVALON HEALTH CARE
GROUP, AVALON VALLEY
REHABILITATION CENTER, LLC,

Defendants.

**ORDER DENYING MOTION TO STAY
EXECUTION OF JUDGMENT
WITHOUT PREJUDICE**

Case No. 2:15-cv-845

Judge Clark Waddoups

Judgment granting defendants' motion for summary judgment was entered by the court on September 21, 2018. (ECF No. 135.) Plaintiff appealed the Order on that motion (ECF No. 134) on October 19, 2018. The court subsequently entered a costs judgment in favor of defendants in the amount of \$2,832.71 on October 29, 2018. (ECF No. 141.) Plaintiff moves, under Rule 62(d), for a stay of this judgment pending her appeal. Fed. R. Civ. P. 62(d). (ECF No. 142.) Plaintiff's motion states that, as required by Rule 62(d), a bond is attached as an exhibit to her motion. (*Id.*) No bond, however, was attached. Defendants do not object to a stay of execution of judgment as long as an appropriate bond is submitted to and approved by the Court. (ECF No. 143.)

Under Rule 62(d), "the stay [of execution] is effective when the supersedeas bond is approved by the Court." In the absence of a bond, therefore, the Court must deny plaintiff's

motion, without prejudice, unless or until the plaintiff procures an appropriate bond or makes a cash deposit with the court in the amount of the bond.

As for the amount of the bond, defendants are entitled to post-judgment interest on their judgment. 28 U.S.C. § 1961. The interest is calculated from the date of entry of the judgment to the date of payment, “at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment.” *Id.* The rate applicable to an October 29, 2018 judgment is the rate for the week ending November 2, 2018, or 2.70 percent. *See* <http://www.utsd.uscourts.gov/2018-post-judgment-interest-rate> (last visited Nov. 15, 2018.)

Assuming an appeals duration of 12 months, post-judgment interest would be \$764.84 ($\$2,832.71 * .270$). Additionally, some fees may be applicable to the bond. The court thus requires that the bond be in the amount of \$3,832.71, to ensure payment of the judgment, post-judgment interest, and any applicable fees, should plaintiff not prevail on appeal.

Upon plaintiff’s submission to the court of an appropriate bond (by surety or by cash deposit) in the required amount of \$3,832.71, the court will consider a renewed motion for stay of execution of the judgment pending appeal.

SO ORDERED this 15th day of November, 2018.

BY THE COURT:



Clark Waddoups
United States District Judge